



Senators Seek Testimony of National Security Adviser Rice
Before 9/11 Commission
March 22, 2004

Washington, DC – In a letter to President Bush Monday, U.S. Senator Dianne Feinstein (D-Calif.) joined Senator Charles Schumer (D-NY) and six other Senators in asking the President to direct his National Security Adviser, Condoleezza Rice, to testify before the 9/11 Commission.

The letter, circulated by Senator Schumer, was also signed by Senators Robert Byrd (D-WV) Edward Kennedy (D-MA), Hillary Rodham Clinton (D-NY), Jon Corzine (D-NJ), Frank Lautenberg (D-NJ), Christopher Dodd (D-CT). The text follows:

“This week, the National Commission on Terrorist Attacks Upon the United States is expected to hear testimony from your Administration and the preceding one regarding the attacks of September 11, 2001. While the Secretaries of Defense and State from both Administrations along with the Director of Central Intelligence are planning to testify, we are struck by the absence of your national security adviser from the Commission's hearing schedule. We are writing to respectfully request that you direct Condoleezza Rice to testify before the Commission.

Although Secretary of State Powell, Defense Secretary Rumsfeld, and CIA Director Tenet are expected to testify along with Clinton Secretary of State Albright, Defense Secretary Cohen and former National Security Adviser Berger, Ms. Rice has refused to do so. The White House's rationale for Ms. Rice not giving public testimony is that staff-level officials have historically not been called to offer sworn testimony before Congress and that her testimony would raise separation of power issues. We respectfully disagree.

First, Ms. Rice is not being asked to testify before Congress but is rather being called to appear before the Commission investigating one of the worst tragedies in American history.

Second, the White House's argument against Ms. Rice testifying is undermined by the decisions of Samuel Berger, President Clinton's national security adviser, and Richard Clarke, a top counter-terrorism aide in both Administrations, to testify. Like Ms. Rice, they served at the "staff-level" but are complying with the Commission's request to testify.

Third, Ms. Rice has not shied away from discussing the national security staff's role in responding to the al Qaeda threat. Indeed, she wrote a newspaper opinion article today where she voluntarily discusses proposals that were considered by the White House to thwart al

Qaeda. In our view, there is no reason why she can discuss these issues in a newspaper article but not under oath before the Commission.

Fourth, notwithstanding the fact the Commission is not Congress, there are several examples of Presidential advisors voluntarily testifying before Congress. According to the Congressional Research Service, during World War Two, Presidential advisors Donald M. Nelson, Jonathan Daniels and Donald S. Dawson all appeared before various Senate Committees.

The need for Ms. Rice to testify is further underscored by the latest revelations being made by Mr. Clarke who claims that his efforts to brief you and your top staff about the pending threat of Al-Qaeda were repeatedly rebuffed by Ms. Rice in the months leading up to and immediately following the 9/11 attacks. In addition, Mr. Clarke, Mr. Berger, and other Clinton Administration officials are expected to testify before the Commission this week that they warned Ms. Rice and the national security staff about the need to address the al Qaeda threat following the 2000 elections. While we acknowledge Ms. Rice's efforts to work with the Commission in private, we believe that these revelations suggest a need for Ms. Rice to appear before the Commission.

Finally, we ask that you take pains to ensure that the White House staff does not engage in any kind of untoward retaliation against those who testify before the Commission this week. We are particularly concerned that White House will try to tar Mr. Clarke, a 30-year civil servant who has served in both Republican and Democratic Administrations. He should be treated with the respect that he has earned and not be demonized.

Thank you for your attention to this matter.”

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